

DAVID L. HENKIN #6876  
MAHESH CLEVELAND #11023  
EARTHJUSTICE  
850 Richards Street, Suite 400  
Honolulu, Hawai‘i 96813  
Telephone No.: (808) 599-2436  
Fax No.: (808) 521-6841  
Email: [dhenkin@earthjustice.org](mailto:dhenkin@earthjustice.org)  
[mcleveland@earthjustice.org](mailto:mcleveland@earthjustice.org)

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAI‘I

HAWAI‘I WILDLIFE FUND, a  
Hawai‘i non-profit corporation,  
SIERRA CLUB - MAUI GROUP, a  
non-profit corporation, SURFRIDER  
FOUNDATION, a non-profit  
corporation, and WEST MAUI  
PRESERVATION ASSOCIATION, a  
Hawai‘i non-profit corporation,

Plaintiffs,

v.

COUNTY OF MAUI,

Defendant.

) CIVIL NO. 12-00198 SOM KJM  
)  
 ) PLAINTIFFS’ MOTION FOR  
 ) AWARD OF ATTORNEYS’ FEES  
 ) AND COSTS; MEMORANDUM IN  
 ) SUPPORT; CERTIFICATE OF  
 ) COMPLIANCE; DECLARATION OF  
 ) DAVID L. HENKIN; DECLARATION  
 ) OF ISAAC H. MORIWAKE;  
 ) DECLARATION OF JANETTE K.  
 ) BRIMMER; DECLARATION OF  
 ) SCOTT L. NELSON;  
 ) DECLARATION OF SAMBHAV  
 ) SANKAR; DECLARATION OF  
 ) JEFFREY L. FISHER;  
 ) DECLARATION OF THOMAS C.  
 ) GOLDSTEIN; DECLARATION OF  
 ) MAHESH CLEVELAND; EXHIBITS  
 ) 1-39  
 )  
 ) Non-Hearing Motion  
 )  
 ) Judge: Hon. Kenneth J. Mansfield

PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS

Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54.2, Plaintiffs Hawai‘i Wildlife Fund, Sierra Club – Maui Group, Surfrider Foundation, and West Maui Preservation Association, through their counsel Earthjustice, hereby move for an award of their “costs of litigation (including reasonable attorney and expert witness fees)” for their successful litigation in the United States Supreme Court and in this Court on remand. 33 U.S.C. § 1365(d). As of today’s date, the costs of litigation that Plaintiffs seek total \$1,056,255.57, including reasonable attorneys’ fees in the amount of \$984,643.30 and nontaxable costs in the amount of \$71,612.27.

This motion is based on the pleadings and other papers on file herein, the memorandum, declarations, and exhibits attached hereto, and such other matters as may be presented to the Court.

Dated: Honolulu, Hawai‘i, September 27, 2021.

/s/ David L. Henkin

David L. Henkin  
Mahesh Cleveland  
EARTHJUSTICE

Attorneys for Plaintiffs